

Action Information

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Action: Notice

RCS#: 18P-0273
Docket ID: EPA-HQ-OPP-2018-0258

Title: Pesticides; Draft Guidance for Pesticide Registrants on Plant Regulator Label Claims, Including Plant Biostimulants; Notice of Availability

Purpose: EPA is announcing the availability of and seeking public comment on a draft guidance document entitled “Guidance for Plant Regulator Label Claims, Including Plant Biostimulants.” This draft guidance document is intended to provide guidance on identifying product label claims that are considered to be plant regulator claims by the Agency, thereby subjecting the products to regulation as pesticides. Examples are provided of claims that are considered plant regulator claims and claims that are not considered plant regulator claims.

Background: Plant biostimulants (PBS) are a relatively new, but growing, category of products containing naturally-occurring substances and microbes that are used to stimulate plant growth, enhance resistance to plant pests, and reduce abiotic stress. Statutory and regulatory definitions for PBS currently do not exist and the draft guidance does not address or attempt to provide a regulatory definition for “plant biostimulant.” In developing the draft guidance, EPA considered whether a PBS product, as understood by EPA, physiologically influences the growth and development of plants in such a way as to be considered plant regulators by the Agency and thereby triggering regulation under FIFRA as a pesticide. Other PBS products will not involve EPA oversight because they do not fit within the specific FIFRA definition of how a plant regulator functions.

Using the statutory definition for plant regulators, EPA determined that a key consideration is what claims are being made on the PBS product labels. This draft document is intended to provide guidance on identifying product label claims that are considered to be plant regulator claims by the Agency, thereby subjecting the products to regulation under FIFRA as pesticides. Examples are provided of both claims that are considered plant regulator claims and claims that are not considered plant regulator claims.

As guidance, this document is not binding on the Agency or any outside parties, and the Agency may depart from it where circumstances warrant and without prior notice.

Stakeholder Involvement: During the development of this draft guidance document, EPA discussed this new approach with stakeholders, including the Association of American Plant Food Control Officials (AAPFCO), the Biological Products Industry Alliance (BPIA), the United States Biostimulants Coalition (USBC), and the State FIFRA Issues Research and Evaluation Group (SFIREG). Additional feedback has been obtained via technical presentations at plant biostimulant conferences with national and international audiences, such as the Third World Biostimulants Congress in Miami, FL, in November 2017 and the ongoing series of Crops & Chemicals Conferences held in Raleigh, NC, beginning in July 2014.

Key Issues/Internal Review: None. Developed as a Tier 3 action under the ADP.

Legal Deadlines: None

Timing: OCSPP leadership set a target for release by end of 2018, based on commitments to our state counterparts and the regulated community.

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